

REMARKS

Applicant provisionally elects the Group I claims (claims 1-14 and 30), with traverse.

Applicant respectfully traverses the requirement for restriction, and respectfully requests that it be withdrawn for the following reasons.

Applicants respectfully believes that the Group I invention should at least include the Group II claims 15-21 (Group II invention) for the following reasons:

First, it is the same compounds in Group II which are defined in claim 1.

Further, it is the specific mixture of these compounds which is preferably manufactured by using the specific method as claimed in claim 15 (a Group II claim). As has been disclosed in the present invention, the method, as claimed, is suitable to permit the manufacture of dimers and trimers having a positive-charge deficit so that these dimers and trimers are in parts only single or double charged, respectively (see page 13, lines 13-18 in WO 2004/057061 A1). These dimers and trimers are found to be advantageous in the mixture of the invention that contains oligomeric phenazinium cations. They show much higher activity than the halogenated monomers or polymers featuring a higher degree of polymerization. (See page 13, lines 20-23 in WO 2004/057061 A1). The method suitable to permit manufacturing such mixtures is a one-pot reaction as defined in the specification which means that the synthesis of the oligomeric phenazinium compounds which form the mixture of the invention may be carried out in but one single reaction vessel without removing any intermediate products (see page 31, lines 24-27 in WO 2004/057061 A1). In doing so, the diazonium compounds may be reacted with the oligomeric phenazinium compounds *in-situ* (page

32, lines 21-22 in WO 2004/057061 A1). Preferably, the sodium nitrite or nitrosyl sulfuric acid is slowly added to the dyestuffs suspended in the mineral acid at an increased temperature so that separate previous diazotation followed by reaction for forming the oligomeric phenazinium compounds is not carried out (page 32, line 30 to page 33, line 4 in WO 2004/057061 A1). For these reasons, the manufacturing method is particularly suitable to manufacture the oligomers of the mixture as claimed.

Therefore, for these reasons, the restriction requirement, with respect to the Group I and Group II claims should be traversed. Applicant maintains that the relationship among claims in Group I and Group II, as discussed above, is a close one. Accordingly, it would appear that the search for the Group I and the Group II compound features would require similar searching. However, even where the claims are for separate inventions, that alone is not a reason for restricting the claims. One must consider the economy to the USPTO and the applicant.

As the M.P.E.P. Section 803 provides:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In the present case, inclusion of more than one claim group in this application, in particular, the Group I and Group II claims would appear to promote purposes of economic efficiency, for both the Patent Office and the Applicant.

Accordingly, for the above reasons, reconsideration and a withdrawal of the restriction requirement is respectfully requested. If further matters remain in connection with the restriction, the Examiner is invited to telephone the Applicant's undersigned representative to discuss them.

Response to Office Action dated November 12, 2008
Response Dated: November 25, 2008

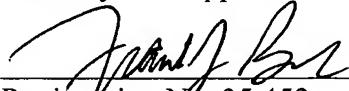
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If necessary, an appropriate extension of time to respond is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required to the Patent Office Deposit Account No. 05-0208.

Respectfully submitted,
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Date: 11/25/08